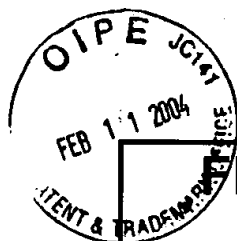


TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/690,169
		Filing Date	October 21, 2003
		First Named Inventor	R. Kent Hermsmeyer
		Group Art Unit	1614
		Examiner Name	
Total Number of Pages in this Submission	7*	Attorney Docket Number	HME/7961.0013

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee transmittal form <input type="checkbox"/> Fee attached <input type="checkbox"/> Amendment <input type="checkbox"/> After Final/ Response <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing Related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosures (identify below) 1 US Patent Reference 3 Non-US Patent References 8 Non-Patent References
Remarks: * - plus references		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT	
Firm or Individual Name	Howard Eisenberg, Esq. 2206 Applewood Court Perkasie, Pennsylvania 18944
Signature	
Date	February 9, 2004

CERTIFICATE OF MAILING			
I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, <input checked="" type="checkbox"/> with sufficient postage as first class mail <input type="checkbox"/> as "Express Mail Post Office to Addressee" - mailing label no. _____			
Type or print name	Howard Eisenberg		
Signature		Date	February 9, 2004



FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Complete If Known

Application Number	10/690,169
Filing Date	October 21, 2003
First Named Inventor	R. Kent Hermsmeyer
Examiner Name	
Art Unit	1614
Attorney Docket No.	HME/7961.0013

☒ Applicant claims small entity status. See 37CFR 1.27

TOTAL AMOUNT OF PAYMENT

\$0

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☒ None

☐ Deposit Account

Deposit Account Number

50-1773

Deposit Account Name

Howard Eisenberg

The Commissioner is authorized to: (check all that apply)

☒ Charge fees indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge any fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Code (\$)	Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			\$0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
23 - 23	**= 0	x 9 =	0
Indep. Claims 2 - 3	**= 0	x 43 =	0
Multiple Dependent			

Large Entity	Small Entity	Fee Description
Fee Code	Fee Code	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	**Reissue independent claims over original patent
1205 18	2205 9	*Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		\$0

**or number of previously paid, if greater. For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge-late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex-parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt.	
8021	40	8021	40	Recording each patent assignment per property (times no. of properties) - total assignments 1	
1809	770	2809	385	Filing a submission after final rejection (37 C.F.R. 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

\$0

SUBMITTED BY

Complete (if applicable)

Name (print type)	Howard Eisenberg, Esq.	Registration No.	36,789	Telephone	(215) 453-9237
Signature		Date	February 9, 2004		



Atty Doc. No. HME/7961.0013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION EXAMINING OPERATIONS

In re the Application of :
R. Kent Hermsmeyer : Group Art Unit: 1614

Serial No. 10/690,169 : Examiner:

Filed: October 21, 2003 : Date: February 9, 2004

For a Patent for :
ESTROGEN BETA RECEPTOR AGONISTS
TO PREVENT OR REDUCE THE SEVERITY
OF CARDIOVASCULAR DISEASE

INFORMATION DISCLOSURE STATEMENT
IN ACCORDANCE WITH 37 CFR §1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits herewith copies of patents and publications of which he is aware and which he desires to have considered by the Patent Office in accordance with 37 CFR §1.97. In accordance with 37 CFR §1.97(b)(3), this Information Disclosure Statement is being submitted before the mailing date of a first Office Action on the merits of the above-identified application.

In accordance with 37 CFR §1.97(h), the filing of this Information Disclosure Statement will not be regarded as an admission that any patent or publication or combination of patents referred to herein is, or is considered to be, material to patentability under 37 CFR §1.56(b) unless specifically designated as such.

A list of the patents and publications enclosed herewith is set forth on the attached 3 pages of Information Disclosure Statement by Applicant.

The person making this statement is the attorney who signs below on the basis of the information supplied by the inventor and the information in his file.

Respectfully submitted,




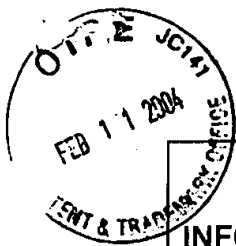
Howard M. Eisenberg
Reg. No. 36,789
2206 Applewood Court
Perkasie, PA 18944
Attorney for Applicant
Tel: (215) 453-9237

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 9, 2004.

Dated: 2/9/04

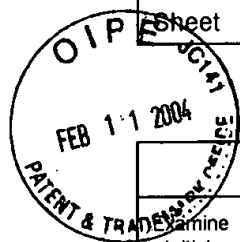

Howard M. Eisenberg

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/690,169
				Filing Date	October 21, 2003
				First Named Inventor	R. Kent Hermsmeyer
				Group Art Unit	1614
				Examiner Name	
Sheet	1	of	3	Attorney's Docket No.	HME/7961.0013

U.S. Patent Documents

Examine r Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YY	Pages, columns, lines where passages or relevant figures appear
		Number Code	Kind			
	AA	6,476,196		Ljunggren et al	11-05-02	Cols 17 to 414 not provided
	AB					
	AC					
	AD					
	AE					
	AF					
	AG					
	AH					
	AI					
	AJ					
	AK					
	AL					
	AM					
	AN					
	AO					
	AP					
	AQ					
	AR					
	AS					
	AT					



Sheet	3	of	3	Inventor:	Hermesmeier
-------	---	----	---	-----------	-------------

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS		
Examine r Initials	Cite, No.	Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and or country where published
	C A	MISHNALL et al, <i>In vitro</i> modulation of primate coronary vascular muscle cell reactivity by ovarian steroid hormones, FASEB J. 12:1419-1429 (1998)
	C B	MINSHALL et al, Nongenomic vasodilator action of progesterone on primate coronary arteries, J. Appl. Physiol. 92:701-708 (2002)
	C C	MINSHALL et al, Progesterone regulation of vascular thromboxane A2 receptors in rhesus monkeys, Am. J. Physiol. (Heart Circ. Physiol.) 281:H1498-H1507 (2001)
	C D	MINSHALL et al, Ovarian Steroid Protection against coronary artery hyperreactivity in rhesus monkeys, J. Clinical Endocrinology and Metabolism, 83(2):649-659 (1998)
	C E	MIYAGAWA et al, Medroxyprogesterone interferes with ovarian steroid protection against coronary vasospasm, Nature Medicine 3(3):324-327 (1997)
	C F	MIYAGAWA et al, Ca ²⁺ release mechanism of primate drug-induced coronary vasospasm, Am. J. Physiol. (Heart Circ. Physiol.) 272:H2645-H2654 (1997)
	C G	SZAPARY et al, Opposing effects of corepressor and coactivators in determining the dose-response curve of agonists, and residual agonist activity of antagonists, for glucocorticoid receptor-regulated gene expression, Molecular Endocrinology 13(12):2108-2121 (1999)
	C H	WEIHUA et al, An endocrine pathway in the prostate, ER β , AR, 5 α -androstane-3 β ,17 β -diol, and CYP7B1, regulates prostate growth, PNAS 99(21):13589-13594 (2002)
	C I	
	C J	
	C K	
	C L	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language translation is attached.